

REMARKS

Claims 1-19 are pending in the application and are rejected.

Claims 1-5, 8-14 and 17-19 are rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,319,542 to King, Jr. et al.

Claims 6-7 and 15-16 are rejected under 35 USC 103(a) as being unpatentable over King Jr. et al.

Applicants have amended the claims to more clearly distinguish the present invention over prior art. In particular, the claims have been amended to particularly point out the differences in the systems between the present invention and that cited in King et al. In particular, independent claims one and ten, upon which the remaining claims depend, at least, ultimately, have been amended to make it clear that the information regarding the relationships is in a remote database not controlled by a plurality of merchandise providers or business entities. In the present invention the information regarding the business entities and merchant provider is not related to either of the business entities that have control over the order terminals or that provide the requested merchandise. In King et al, it is the provider that has direct control over what is being offered and is in direct communication with the purchaser. Thus, it could not provide information within regard to business relationships either being friendly, neutral or adverse as there is a direct relationship between the supplier of the goods or services with that of the order terminal. This is in complete contrast to the present invention, wherein the order terminals are under the control of certain business entities and wherein the type of offering provided will be determined by this remote unrelated database in accordance to the particular goods or order selected by the user at the order terminal.

It is respectfully submitted that said King et al reference is of little relevance to the present invention. The customizing of the offering is provided by the remote database based on previously established business relationships between various business entitles and service providers. There is no teaching or suggestion of controlling the offering based on this. The King et al merely discloses the providing of picture services to particular clientele and providing custom offerings directly from the provider to the purchaser. In fact, it is possible that certain providers will be restricted entirely from being identified at the order


terminal. This cannot be done by King, as there is no such situation wherein, its provider would not be associated with this purchaser.

In view of the foregoing, Applicants respectfully submit the prior art references do not teach or suggest the invention as currently set forth.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Frank Pincelli", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.